



## JUDICIAL ADVISORY BOARD MINUTES

October 7, 2009

The Judicial Advisory Board of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on October 7, 2009 at 7:48 a.m.

### COMMITTEE PRESENT

David M. Talamante, Chairman  
Kate Ali'varius  
Daniel A. Barker  
Scott Rhodes  
Garrett L. Smith

### COMMITTEE ABSENT

Michael B. Cowan  
Stella Hunsaker

### STAFF PRESENT

Kathleen Broman  
Michael Claspell  
Matt Tafoya

### 1. Introduce new Boardmember.

Newly appointed Boardmember Smith provided a short synopsis of his professional background.

The Boardmembers introduced themselves to Boardmember Smith.

Chairman Talamante welcomed Boardmember Smith to the Judicial Advisory Board.

### 2. Elect Chair and Vice Chair.

Chairman Talamante noted that he volunteered to serve another term as Chairman of the Judicial Advisory Board, but was informed by staff that he was "termed out" and no longer eligible to do so.

It was moved by Vice Chairman Ali'varius, seconded by Boardmember Barker, that Boardmember Rhodes be elected to serve as Chairman of the Judicial Advisory Board.

Chairman Talamante declared the motion carried unanimously by those present.

Chairman Talamante stated that Vice Chairman Ali'varius volunteered to serve a second term as Vice Chairman of the Judicial Advisory Board.

3. Approve the minutes from the February 4, 2009, March 4, 2009 and March 18, 2009 Board meetings.

It was moved by Chairman Rhodes, seconded by Vice Chairman Ali'varius, that the minutes of the February 4, March 4 and March 18, 2009 Judicial Advisory Board meetings be approved.

Boardmember Talamante declared the motion carried unanimously by those present.

4. Items from citizens present.

There were no items from citizens present.

5. Hear an update on the Mesa City Court from Presiding City Magistrate Matt Tafoya.

Presiding City Magistrate Matt Tafoya addressed the Board and provided a brief overview of various programs and services that have been implemented at the Mesa Municipal Court.

Magistrate Tafoya reported that construction of the new Mesa Municipal Court Building is scheduled for completion by January 20, 2010, with February 21<sup>st</sup> being the first day it would be open to the public. He explained that the facility is comprised of five trial courts, one civil traffic hearing court, two arraignment courts and space for two additional courtrooms. Magistrate Tafoya also commented that the in-custody courtroom, which would be located in the Police Building, is nearing maximum capacity due to the significant caseload that Magistrate Elizabeth Arriola, who presides over the court, must handle. He added that yesterday she handled 118 DUI files.

Magistrate Tafoya also provided an overview of the Case Management System (CMS) project, which will improve the Court's business processes to meet modern day efficiencies. He stated that the Civil Division has gone paperless and noted that a similar process is underway in the Criminal Division (i.e., converting case logs and the judges' worksheets to a computerized format).

Magistrate Tafoya further remarked that Mesa, Phoenix and Tucson are participating in a project sponsored by the Arizona Supreme Court regarding the development of a CMS for the Superior Court and limited jurisdiction courts throughout the State. He said that the Mesa Municipal Court is recognized as one of the leading courts in Arizona relative to its technological capabilities.

Discussion ensued relative to the completion of an automated warrant project and the implementation of a new program that would remind litigants of their pending court dates via telephone.

Magistrate Tafoya also reported that the Mesa Municipal Court is participating in a pilot project to test use/implement electronic monitoring devices (ankle bracelets) as an alternative to misdemeanor defendants being held on bond under pretrial conditions. He stated that to date, the City has saved approximately \$400,000 in costs as a result of the project. Magistrate Tafoya also remarked that additional staff is necessary in order for the project to continue on a long-term basis.

Additional discussion ensued relative to the fact that the City Council adopted an ordinance that authorized the Presiding City Magistrate to appoint a Court Commissioner (in lieu of a Civil Traffic Hearing Officer) to assist the Mesa Municipal Court in handling civil and criminal cases; that the Mesa Municipal Court, like other City departments, is participating in the "4 For Mesa" pilot program (Monday-Thursday, 7:00 a.m. to 6:00 p.m.); that the in-custody court is open seven days a week; and that the Mesa Municipal Court centralized its DUI cases in arraignment court two years ago and receives approximately 3,000 to 4,000 pleas annually.

In response to a question from Vice Chairman Ali'varius, Magistrate Tafoya clarified that the 118 DUI files that Magistrate Arriola handled yesterday equates to approximately 80 or 90 litigants, with some individuals having multiple files. He assured the Board that even with such a high volume of cases, Magistrate Arriola conducts her court in an efficient and effective manner and does not sacrifice the Constitutional rights of the litigants.

Magistrate Tafoya responded to further questions posed by the Boardmembers regarding the process that takes place in the in-custody court; the benefits of the CMS project; and his opinion that if the Mesa Municipal Court employees participated in a survey, they would respond that the Court is a well-run facility.

Chairman Rhodes expressed frustration with regard to the limited number of survey responses that the Board receives during the reappointment process, and in particular, responses from Mesa Municipal Court staff. He stated that for that reason, he has always questioned the validity of the surveys.

Boardmember Talamante thanked Magistrate Tafoya for the presentation.

6. Review notebooks and discuss policies, schedule and work plan for the Board.

Boardmember Talamante stated that each Boardmember was provided information relative to the reappointment of Magistrates Michelle Lue Sang and Elizabeth Arriola, whose terms expire June 30, 2010.

Boardmember Talamante commented that he would defer to Chairman Rhodes, but explained that in the past few years, the Board authorized Deputy City Clerk Michael Claspell to complete the various procedures for the reappointment process (as identified in the Board's January 6, 2010 Work Plan), which allowed the Board to cancel its January meeting. Boardmember Talamante noted that Mr. Claspell e-mailed the necessary correspondence to the Chairman for his approval. He added that the Board would then meet in February to begin the reappointment process.

Boardmember Barker stated that in reviewing the Mesa City Code, Title 2, Chapter 3, Section 2-3-8 "Recommendation Process," he questioned whether he had a potential conflict of interest with regard to the reappointment of Magistrate Elizabeth Arriola. He explained that he believes Magistrate Arriola worked as a Maricopa County Court Commissioner at the Southeast Judicial facility between 1999 and 2001 when he served as Presiding Superior Court Judge at that location. Boardmember Barker inquired whether it would be appropriate for City Attorney Debbie Spinner to determine whether he had a conflict of interest in this regard.

Deputy City Clerk Michael Claspell said that he would be happy to seek a legal opinion concerning Boardmember Barker's inquiry.

Chairman Rhodes recounted that when he first came on the Board, he had a similar situation with one of the City magistrates who was up for reappointment and said he disclosed that fact to the Board. He explained that although the Boardmembers did not believe he had a conflict of interest, they did ask the magistrate whether he had any concerns, to which he responded he did not. Chairman Rhodes suggested that Mr. Claspell apprise Ms. Spinner of the Board's previous action in this regard.

Boardmember Talamante stated that the scenario outlined by Boardmember Barker could apply to him as well since he also served as a Superior Court Judge at the Southeast Judicial facility during the time that Magistrate Arriola worked as a Court Commissioner.

Discussion ensued among the Boardmembers regarding the pending conflict of issue matter.

Boardmember Talamante directed Mr. Claspell to seek a legal opinion from Ms. Spinner with regard to a potential conflict of interest for Boardmember Barker and himself. He also directed that Mr. Claspell inform Magistrate Arriola of the situation to determine if she has any objections or concerns.

Chairman Rhodes noted that for purposes of the minutes, Section 2-3-8(A) 1 requires that Boardmember Barker and Boardmember Talamante disclose their potential conflicts to the Board. He said that the record would reflect that such an obligation has been fulfilled.

Boardmember Talamante clarified that January 11, 1999 was the official start date for his service as a Superior Court Judge at the Southeast Judicial facility.

Chairman Rhodes concurred with Boardmember Talamante that the January 6, 2010 meeting is not necessary and that the various procedures could be completed administratively by staff.

Boardmember Talamante stated that it was the concurrence of the Board that Mr. Claspell complete the various procedures for the reappointment process (as outlined in the Board's January 6, 2010 Work Plan). He added that at the February meeting, the Board would review the applications for reappointment and assign reference checks.

Mr. Claspell also noted that at the February meeting, the Board would finalize and assign the questions for the interviews. He stated that as in the past, he would send out that information via e-mail so that the Boardmembers could review it prior to the February meeting.

It was moved by Boardmember Talamante, seconded by Boardmember Barker, that the next meeting of the Judicial Advisory Board convene on February 3, 2010 and that the March 3, 2010 meeting remain as scheduled.

Boardmember Talamante declared the motion carried unanimously by those present.

7. Review and consider items related to the reappointment of magistrates:

- a. Review reappointment schedule

(See agenda item 6.)

8. Convene an Executive Session.

- a. Discussion or consideration of employment, assignment, appointment, promotion or resignation of a public officer, appointee or employee of the City. (A.R.S. 38-431.03A(1))
- b. Reconvene in regular session.

(The Board did not convene an Executive Session.)

9. Scheduling of meetings and general information.

Boardmember Talamante stated that the next meeting of the Judicial Advisory Board would be held on February 3, 2010 at 7:45 a.m. in the Lower Level Council Chambers, 57 East 1<sup>st</sup> Street.

10. Adjournment.

It was moved by Boardmember Smith, seconded by Vice Chairman Ali'varius, that the meeting of the Judicial Advisory Board be adjourned at 8:44 a.m.

Boardmember Talamante declared the motion carried unanimously by those present.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Judicial Advisory Board meeting of the City of Mesa, Arizona, held on the 7<sup>th</sup> day of October 2009. I further certify that the meeting was duly called and held and that a quorum was present.

---

LINDA CROCKER, CITY CLERK